UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,226	06/11/2001	Jeff Mazereeuw	57761.000137	8540

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EXAMINER
WEST, JEFFREY R

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/877,226	MAZEREEUW ET AL.
	Examiner	Art Unit	
	Jeffrey R. West	2857	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-5, 10, 12, 14-16, and 21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 6,236,332 to Conkright et al. in view of U.S.

Patent Application Publication No. 2004/0054717 to Aubry et al.

Conkright discloses a control and monitoring system comprising monitoring

equipment (i.e. one or more remote units), operatively connected to a device such

as a utility system (column 1, lines 31-32), that measures the operating current of

the device (column 8, lines 18-20). Conkright discloses operatively connecting the

monitoring equipment to a host computer through a first communication network (i.e.

wireless service gateway with subscriber software) (column 3, lines 53-61) as well

as operatively connecting a remote customer interface terminal to the host computer

through the same wireless service gateway and subscriber software, or the Internet

(column 3, lines 22-34) wherein the remote customer interface receives notification

of operating conditions of the monitored utility device (column 3, lines 29-52 and

column 4, lines 43-54) as well as allows the user to control the monitored device

(column 3, lines 38-43 and column 6, lines 32-38). Conkright also discloses that the

host computer contains a server database that is connected to the communication

networks and accessible by the customer interface (column 3, lines 44-52 and

Figure 1).

As noted above, the invention of Conkright teaches many of the features of the

claimed invention and although it is considered inherent that in order for the

customer subscriber to communicate with the host computer and server database

there must be some corresponding protocol at the host computer and therefore the

access to this protocol is implemented using an application service provider,

Conkright does not specifically teach an application service provider provided with a

program to effect the monitoring and the at least one network device provided with a

device program for communicating with the application service provider, the device

program being not uniquely adapted for the monitoring.

Aubry teaches an application service provider method and apparatus comprising

a network interface device in the form of a computer system (0039) provided with a

device program, which is not uniquely adapted for monitoring (i.e. a generic browser)

(0005 and 0014), for communicating, over the Internet, with an application service

provider with a program to effect any desired function (0014-0015) such as

monitoring (0050 and 0097).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Conkright to include an application service provider provided with a

program to effect the monitoring and the at least one network device provided with a

device program for communicating with the application service provider, the device

program being not uniquely adapted for the monitoring, as taught by Aubry, because

Conkright teaches a controlling software installed on a user's computer and Aubry

suggests that the combination would have provided an improvement over requiring

installation of software on a user's computer thereby allowing the user to have more

control over the implementation of the desired software (0036-0037) and saved the

user time and money by outsourcing technology (0047).

Although the invention of Conkright and Aubry discloses monitoring a utility

system rather than a utility substation, a utility system and substation are considered

to be functionally equivalent and is further considered to be intended use. It has

been held that a recitation of the intended use of the claimed invention must result in

a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art

structure is capable of performing the intended use, then it meets the claim. See *In*

re Casey, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA

1963). In this case, the structure of Conkright and Aubry is capable of monitoring a

utility substation.

3. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Conkright et al. in view Aubry and further in view of U.S. Patent No. 5,406,495 to

Hill.

As noted above, the invention of Conkright and Aubry teaches all of the features of the claimed invention except for including monitoring equipment for measuring the voltage of the utility device.

Hill teaches a substation load distribution monitoring system comprising remote data units for sensing operating conditions of the power equipment (column 3, lines 20-29) including periodic voltage and current data (column 1, lines 48-55). Hill also teaches that the remote data units communicate with a host computer over a communication network to transfer measured data (column 3, lines 4-17).

It would have been obvious to one having ordinary skill in the art to modify the invention of Conkright and Aubry to include monitoring equipment for measuring the voltage of the utility device, as taught by Hill, because the invention of Conkright and Aubry teaches a system for use in a plurality systems including a system employing condition monitoring over an AC power line (Conkright, column 7, lines 9-11) and Hill suggests that the combination would have provided an improved-accuracy and simplified method of remote monitoring in a power system (column 1, lines 7-15), and therefore provided higher protection, by monitoring the voltage and current rather than just the current (column 6, lines 48-66).

4. Claims 7-9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conkright et al. in view of Aubry and further in view of U.S. Patent No. 6,006,171 to Vines et al.

As noted above, the invention of Conkright and Aubry teaches all of the features of the claimed invention except for including automatic reporting, maintenance scheduling, and administrative tracking programs in the customer interface device.

Vines teaches a dynamic maintenance management system comprising a monitoring and analysis process for sending and receiving process control data to and from sensors and devices over a communication bus (column 3, lines 33-37). Vines teaches sending this information to a DMM configurator that processes the information (column 3, lines 53-65) to automatically provide reports describing device operation, preventive maintenance schedules, and administrative tracking (i.e. creating work orders including worker assignment) (column 5, lines 17-29 and 50-61 and Figures 3-9).

It would have been obvious to one having ordinary skill in the art to modify the invention of Conkright and Aubry to include automatic reporting, maintenance scheduling, and administrative tracking programs in the customer interface device, as taught by Vines, because the invention of Conkright and Aubry does include presenting information to a worker for fixing a fault that has occurred (Conkright, column 9, lines 15-34), and, as suggested by Vines, the combination would have provided more detailed information to allow an operator to make better informed decisions and devise proactive planning, increased performance and predictability of equipment and operations, reduced maintenance costs, improved reliability, and avoided costly failures (column 2, lines 12-31 and column 5, lines 30-34).

5. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Conkright et al. in view of Aubry and further in view of U.S. Patent No. 5,712,896 to

Lee et al.

As noted above, the invention of Conkright and Aubry teaches all of the features

of the claimed invention except for including an expertise database.

Lee teaches a method for diagnosing a fault comprising software that is executed

by a hardware function to maintain/repair operation the hardware (column 3, lines 1-

4) wherein the state of a fault occurring is detected by either a hardware or software

fault detection function (column 3, lines 5-12). Lee also teaches that a fault

message is outputted from a switching system to a user via a fault diagnosis expert

system and a user matching function (column 3, lines 21-23) that communicates, via

an inference engine and a multimedia or graphic interface, questions to the user

relating to the diagnosis using a corresponding knowledge base (i.e. database)

(column 3, lines 36-38 and 41-49). Lee then teaches that after obtaining the

answers to the questions, the diagnosis is completed and the expert system outputs

a determination result of the fault diagnosis (column 4, line 56 to column 5, line 3).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Conkright and Aubry to include an expertise database, as taught by Lee,

because, as suggested by Lee, the combination would have provided a method for

determining the type of fault that has occurred without the need of an expert in the

field by providing interactive questions that guide the user through the process, and

therefore allowed the diagnosis to be conducted immediately by an unskilled worker
(column 1, lines 54-58).

6. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Conkright et al. in view of Aubry, Hill, Vines, Lee, and International Publication
Number WO 00/04427 to Parsons.

As noted above, Conkright teaches many of the features of the claimed invention
including specifying that the host computer connect to the customer interface
through the Internet, but does not teach that the interface be provided with a device
program for communicating with an application service provider provided with a
program to effect the monitoring, including monitoring equipment for measuring the
voltage of the utility device, including automatic reporting, maintenance scheduling,
and administrative tracking programs, including an expertise database, or specifying
that the connection between the monitoring equipment and the host computer be the
Internet.

Aubry teaches an application service provider method and apparatus comprising
a network interface device in the form of a computer system (0039) provided with a
device program, which is not uniquely adapted for monitoring (i.e. a generic browser)
(0005 and 0014), for communicating, over the Internet, with an application service
provider with a program to effect any desired function (0014-0015) such as
monitoring (0050 and 0097).

Hill teaches a substation load distribution monitoring system comprising remote data units for sensing operating conditions of the power equipment (column 3, lines 20-29) including periodic voltage and current data (column 1, lines 48-55). Hill also teaches that the remote data units communicate with a host computer over a communication network to transfer measured data (column 3, lines 4-17).

Vines teaches a dynamic maintenance management system comprising a monitoring and analysis process for sending and receiving process control data to and from sensors and devices over a communication bus (column 3, lines 33-37). Vines teaches sending this information to a DMM configurator that processes the information (column 3, lines 53-65) to automatically provide reports describing device operation, preventive maintenance schedules, and administrative tracking (i.e. creating work orders including worker assignment) (column 5, lines 17-29 and 50-61 and Figures 3-9).

Lee teaches a method for diagnosing a fault comprising software that is executed by a hardware function to maintain/repair operation the hardware (column 3, lines 1-4) wherein the state of a fault occurring is detected by either a hardware or software fault detection function (column 3, lines 5-12). Lee also teaches that a fault message is outputted from a switching system to a user via a fault diagnosis expert system and a user matching function (column 3, lines 21-23) that communicates, via an inference engine and a multimedia or graphic interface, questions to the user relating to the diagnosis using a corresponding knowledge base (i.e. database) (column 3, lines 36-38 and 41-49). Lee then teaches that after obtaining the

answers to the questions, the diagnosis is completed and the expert system outputs

a determination result of the fault diagnosis (column 4, line 56 to column 5, line 3).

Parsons teaches an internet utility interconnect means, and corresponding

method, comprising operating a remote control and monitoring system that

replicates data between a host computer located at a central server site and a set of

automation nodes located at a remote site wherein the means to link the data

collected for subsequent access is through the Internet (page 6, lines 15-32).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Conkright to include an application service provider provided with a

program to effect the monitoring and the at least one network device provided with a

device program for communicating with the application service provider, the device

program being substantially not uniquely adapted for the monitoring, as taught by

Aubry, because Conkright teaches a controlling software installed on a user's

computer and Aubry suggests that the combination would have provided an

improvement over requiring installation of software on a user's computer by allowing

the user to have more control over the implementation of the desired software

(0036-0037) and saved the user time and money by outsourcing technology (0047).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Conkright to include monitoring equipment for measuring the voltage of

the utility device, as taught by Hill, because Conkright teaches a system for use in a

plurality systems including a system employing condition monitoring over an AC

power line (column 7, lines 9-11) and Hill suggests that the combination would have

provided an improved-accuracy and simplified method of remote monitoring in a power system (column 1, lines 7-15), and therefore provided higher protection, by monitoring the voltage and current rather than just the current (column 6, lines 48-66).

It would have been obvious to one having ordinary skill in the art to modify the invention of Conkright to include automatic reporting, maintenance scheduling, and administrative tracking programs in the customer interface device, as taught by Vines, because Conkright does include presenting information to a worker for fixing a fault that has occurred (column 9, lines 15-34), and, as suggested by Vines, the combination would have provided more detailed information to allow an operator to make better informed decisions and devise proactive planning, increased performance and predictability of equipment and operations, reduced maintenance costs, improved reliability, and avoided costly failures (column 2, lines 12-31 and column 5, lines 30-34).

It would have been obvious to one having ordinary skill in the art to modify the invention of Conkright to include an expertise database, as taught by Lee, because, as suggested by Lee, the combination would have provided a method for determining the type of fault that has occurred without the need of an expert in the field by providing interactive questions that guide the user through the process, and therefore allowed the diagnosis to be conducted immediately by an unskilled worker (column 1, lines 54-58).

Further, it would have been obvious to one having ordinary skill in the art to modify the invention of Conkright to include specifying that the connection between the monitoring equipment and the host computer be the Internet, as taught by Parson, because, as suggested by Parsons, the combination would have allowed the web server to be changed by authorized users and therefore enabled residents and other subscribers to conveniently turn on the connected devices whenever desired (page 4, lines 13-15 and page 8, lines 4-15).

7. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conkright et al. in view of Aubry et al. and further in view of U.S. Patent No. 5,790,424 to Sugihara et al.

As noted above, the invention of Conkright and Aubry teaches many of the features of the claimed invention including diagnosing a utility system but does not specifically teach including historical information, comprising actual conditions, surrounding a fault condition for use in diagnosing a problem.

Sugihara teaches a plant monitoring apparatus and monitoring method including monitoring equipment providing historical information (column 4, line 62 to column 5, line 13) surrounding a fault condition (column 2, lines 6-13), including actual conditions (column 1, line 61 to column 2, line 5), and using the historical information to diagnosis a problem (abstract and column 7, lines 40-62).

It would have been obvious to one having ordinary skill in the art to modify the invention of Conkright and Aubry to include historical information, comprising actual

conditions, surrounding a fault condition for use in diagnosing a problem, as taught

by Sugihara, because, as suggested by Sugihara, the combination would have

allowed the user to recognize what components have a problem that needs attention

based upon past data (abstract) to reduce the users burden as well as reduce the

likelihood of erroneous operation and misreading (column 7, lines 12-30).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Conkright et al. in view of Aubry et al. and further in view of U.S. Patent Application

Publication No. 2003/0041098 to Lortz.

As noted above, the invention of Conkright and Aubry teaches many of the

features of the claimed invention including a server database that is connected to

the communication networks and accessible by the customer interface, but does not

specify that the operating equipment query the database to locate spare parts for

repair of the faulty equipment.

Lortz teaches network-based detection and display of product replacement

information including means for querying an equipment database to locate spare

parts for the repair of faulty equipment (0008 and 0039).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Conkright and Aubry to include specifying that the operating equipment

query the database to locate spare parts for repair of the faulty equipment, as taught

by Lortz, because, as suggested by Lortz, the combination would have eliminated

the burden on the user for correcting the operation of a system by providing a

straightforward and efficient system for automatically identifying a part that has failed and for determining related part failures or related replacement concerns for a failed part (0007).

Response to Arguments

9. Applicant's arguments filed September 21, 2003, have been fully considered but they are not persuasive.

Applicant first argues that "Conkright teaches that the customers 24 install the software on a personal computer (PC) at their home or office. It is respectfully submitted that such teaching or Conkright teaches away form the features of amended claim 1 . . . That is, Conkright teaches that the subscriber software 30 is adapted for each application (e.g., monitoring utilities, monitoring traffic flow, monitoring lighting, etc.). This teaching of Conkright is fundamentally different than the claimed invention. That is, Applicant respectfully submits that the subscriber software 30 of Conkright is indeed uniquely adapted for said monitoring."

The Examiner asserts that the invention of Conkright teaches a plurality of methods for communicating rather than only the software, specifically, "[e]ach customer 24 is capable of communicating with the host computer 22 through the Internet 28, subscriber software 30, or through other communication media including, but not limited to, a direct dial-up phone line, facsimile, paging, e-mail, or even human-to-human contact." Therefore, the invention of Conkright is not limited to the subscriber software.

Additionally, while the invention of Conkright does teach that the subscriber software is adapted for each application, nothing in the invention of Conkright states that the invention of Conkright cannot be modified to include a non-specific program accessed by an application service provider, and therefore does not teach away from the proposed modification.

Applicant then argues that "the application service provider of Aubry and the features of Aubry are fundamentally different than that of Conkright so as to clearly teach away from the proposed combination as set for the in the Office Action."

The Examiner first asserts that nothing in the inventions of Conkright or Aubry indicate that the proposed modification is impossible and therefore does not teach away since a fundamentally different feature does not constitute a teaching away.

The Examiner also asserts that the invention of Aubry teaches an application service provider that "is intended for use in any environment in which the applications reside on the provider's server for remote access by users" (0014) and specifically for use in a monitoring environment (0097). Therefore, the invention of Aubry does not contain features fundamentally different from Conkright.

Applicant then argues that "[t]he Office Action asserts that the motivation to combine would have been that Aubry suggests that the combination would have provided an improvement over requiring installation of software on a user's computer thereby allowing a user to have more control over the implementation of the desired

software and save the user time and money by outsourcing technology. However, based on the Conkright disclosure noted above, it is submitted that Conkright sounds of a benefit that the software is indeed installed on the user's computer. Accordingly, it is submitted that it would not have been obvious to modify the teaching of Conkright with Aubry as proposed in the Office Action."

The Examiner again asserts that the invention of Conkright teaches that "[e]ach customer 24 is capable of communicating with the host computer 22 through the Internet 28, subscriber software 30, or through other communication media including, but not limited to, a direct dial-up phone line, facsimile, paging, e-mail, or even human-to-human contact" and therefore is not limited to the subscriber software.

The Examiner also asserts that obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art to modify the invention of Conkright to include an application service provider provided with a program to effect the monitoring and the at least one network device provided with a device program for communicating with the application service provider, the device program being not uniquely adapted for the monitoring, as taught by Aubry, because Conkright teaches

a controlling software installed on a user's computer and Aubry suggests that the combination would have provided an improvement over requiring installation of software on a user's computer thereby allowing the user to have more control over the implementation of the desired software (0036-0037) and saved the user time and money by outsourcing technology (0047).

Applicant also argues "Conkright describes that data is preferably transmitted between each customer's computer and the host computer 22 via telephone lines and modems (column 3, lines 40-43). It is submitted that if the ASP arrangement of Aubry were somehow implemented in the system of Conkright, such arrangement would provide a level of complexity that would not be desired. That is, such arrangement would have data being transmitted between each customer's computer and the host computer 22 via telephone lines and modems, as well as data transmitted to support that actual customer software, i.e., data communication between the customer's computer and the ASP of Aubry. Such arrangements would result in a complex communication arrangement that would not be desirable and which it appears would be unwieldy, in particular since Conkright teaches that data is preferably transmitted via telephone lines and modems. For such reasons, it is submitted that the one of ordinary skill would not have been motivated to combine the teachings of the applied art as proposed in the Office Action. Rather, it is respectfully submitted that the Office Action is relaying on impermissible hindsight in

picking and choosing between the teachings of Conkright and Aubry so as to

allegedly teach the claimed invention."

The Examiner asserts that the combination would not be overly complex since

the invention of Conkright teaches each customer communicating with the host

computer through the Internet (column 3, lines 22-34) and Aubry teaches an

application service provider method and apparatus comprising a device program,

which is not uniquely adapted for monitoring (i.e. a generic browser) (0005 and

0014), for communicating, over the Internet, with an application service provider with

a program to effect any desired function (0014-0015) such as monitoring (0050 and

0097).

The Examiner also asserts that it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight

reasoning. But so long as it takes into account only knowledge which was within the

level of ordinary skill at the time the claimed invention was made, and does not

include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209

(CCPA 1971). In this case, since the motivation takes into account only knowledge

of one having ordinary skill in the art as well as the Aubry reference itself, the

combination is considered to be proper.

Applicant then presents several arguments indicating that the other cited art fails

to make up for the deficiencies in the combination of Conkright and Aubry. Since, as

noted above, the invention of Conkright and Aubry teaches the features of the claimed invention and are properly combined, these arguments are considered to be moot.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 4,799,254 to Dayton et al. teaches a portable communication terminal for remote database query that allows the query of a home database concerning prices, availability of stock, or spare parts over a standard telephone line, which is available almost anywhere.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrw
November 8, 2004
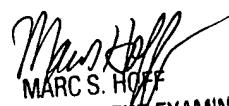
MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800